

Amendment No. 1 to SB2098

Bell  
Signature of Sponsor

**AMEND Senate Bill No. 2098\***

**House Bill No. 2453**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding a law to the contrary:

(1) If the department investigates an individual pursuant to this title on or after July 1, 2022, and closes the case without finding probable cause to believe that a child in the individual's care was dependent and neglected, or that the individual committed a violation of title 39, then the department shall remove and destroy all records of the investigation within five (5) years following the closure of the case; and

(2) If the department investigated an individual pursuant to this title before July 1, 2022, and closed the case without finding probable cause to believe that a child in the individual's care was dependent and neglected, or that the individual committed a violation of title 39, then the individual may submit a written request to the department to remove and destroy all records of the investigation within five (5) years of receipt of the written request. The department shall promulgate rules that describe the process by which the individual may make the written request to have records removed and destroyed pursuant to this subdivision (a)(2).

(b) This section does not apply to records that are relevant to a separate ongoing investigation that is known to the department.

SECTION 2. The commissioner of children's services is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. For purposes of rule promulgation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.